

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Civil No. 1:22-cv-39

vs.

\$31,000.00 U.S. CURRENCY
SEIZED FROM 31419 FAWN RIVER
ROAD, STURGIS, MICHIGAN,

Defendant.

_____ /

VERIFIED COMPLAINT FOR FORFEITURE IN REM

NOW COMES Plaintiff, United States of America, by and through its attorneys, Andrew Byerly Birge, United States Attorney for the Western District of Michigan, and Joel S. Fauson, Assistant United States Attorney, and states upon information and belief that:

NATURE OF THE ACTION

1. This is a civil forfeiture action filed pursuant to 21 U.S.C. § 881(a)(6) and Supplemental Rule G(2) of the Federal Rules of Civil Procedure to forfeit and condemn to the use and benefit of the United States of America \$31,000.00 U.S. Currency (the “Defendant Property”).

THE DEFENDANT IN REM

2. The Defendant Property was seized from 31419 Fawn River Road, Sturgis, Michigan on or about July 20, 2021. The Defendant Property is currently in the custody of the Drug Enforcement Administration.

JURISDICITON AND VENUE

3. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 1345 and 1355(b)(1)(A), because this action is being commenced by the United States of America as Plaintiff, and the acts giving rise to the basis for forfeiture occurred in this judicial district.

4. Venue is proper before this Court pursuant to 28 U.S.C. § 1355(b)(1) because the acts or omissions giving rise to forfeiture occurred in this judicial district, and/or pursuant to 28 U.S.C. § 1395(b), because the Defendant Property was found within this judicial district.

BASIS FOR FORFEITURE

5. As set forth below, the Defendant Property is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6) because it constitutes (1) money, negotiable instruments, securities and other things of value furnished or intended to be furnished in exchange for a controlled substance; and/or (2) proceeds traceable to such an exchange; and/or (3) money, negotiable instruments, and securities used or intended to be used to facilitate a violation of the Controlled Substances Act, 21 U.S.C. §§ 841, 846.

FACTS SUPPORTING FORFEITURE

6. Between the dates of May 3, 2021 and July 20, 2021, an undercover officer with the Michigan State Police's South West Enforcement Team (SWET) conducted seven controlled purchases of narcotics from Daniel Ryan Donley in Sturgis, Michigan. The narcotics Donley sold to the undercover officer included magic

mushrooms containing psilocybin and psilocyn, lysergic acid diethylamide (LSD), and 3, 4-Methylenedioxymethamphetamine (MDMA).

7. On May 3, 2021, Donley sold magic mushrooms containing the controlled substances psilocybin and psilocyn to the undercover officer.

8. On May 27, 2021, Donley sold LSD to the undercover officer.

9. On June 1, 2021, Donley sold LSD and MDMA to the undercover officer.

10. On June 10, 2021, Donley sold LSD to the undercover officer.

11. On June 25, 2021, Donley sold LSD and MDMA to the undercover officer.

12. On July 9, 2021, Donley sold LSD to the undercover officer.

13. On July 20, 2021, Donley sold LSD to the undercover officer. Donley drove to the deal in a maroon Chevrolet Impala. After the purchase from Donley on July 20, 2021, law enforcement arrested Donley and searched him. Law enforcement recovered \$2,490 on his person. Law enforcement also searched Donley's vehicle. Inside the vehicle officers found a Glock 9mm handgun with an inserted magazine, two extra magazines in magazine holders, 30-30 ammunition, marijuana, and more LSD.

14. After the purchase of narcotics from Donley on July 20, 2021, law enforcement executed a search warrant where Donley resides at 31419 Fawn River Road. In Daniel Donley's bedroom, law enforcement seized 14 firearms, various amounts of ammunition, \$1,000 in United States currency on his desk, a digital scale with suspected drug residue, and another \$30,000 in United States currency located

in a box on the same desk.

15. Upon information and belief, the \$31,000 in United States currency seized from Donley's bedroom constitutes proceeds from Donley's drug trafficking and/or is money that Donley furnished, or intended to be furnished, in exchange for drugs, and/or was being used to facilitate violations of the federal Controlled Substances Act.

CLAIM I

16. Plaintiff hereby re-alleges paragraphs 1 – 15, as referenced above.

17. The Defendant Property is forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6) because it constitutes money furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. Chapter 13, Subchapter I.

CLAIM II

18. Plaintiff hereby re-alleges paragraphs 1 – 15, as referenced above.

19. The Defendant Property is forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6) because it constitutes proceeds traceable to an exchange of controlled substances in violation of 21 U.S.C. Chapter 13, Subchapter I.

CLAIM III

20. Plaintiff hereby re-alleges paragraphs 1 – 15, as referenced above.

21. The Defendant Property is forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6) because it constitutes money used or intended to be used to facilitate a violation of 21 U.S.C. Chapter 13, Subchapter I.

REQUESTED RELIEF

Wherefore, the United States requests that the Court issue a warrant for the arrest of the Defendant Property; that due notice be given to all interested parties to appear and show cause why forfeiture to the United States of America should not be decreed; and that the Defendant Property be condemned and forfeited to the United States of America and be delivered into the custody of the United States Marshals Service and/or Drug Enforcement Administration or its designee for disposition according to law; and for such other relief as this Court may deem just and proper.

ANDREW BYERLY BIRGE
United States Attorney

Dated: January 14, 2022

/s/ Joel S. Fauson
JOEL S. FAUSON
Assistant United States Attorney
P.O. Box 208
Grand Rapids, MI 49501-0208
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VERIFICATION

I am a Special Agent of the Drug Enforcement Administration with personal involvement in this investigation.

I have read the contents of the foregoing Verified Complaint for Forfeiture In Rem, and the statements contained therein are true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 1-14-2022

A handwritten signature in blue ink, appearing to read "G. Pond", is written over a horizontal line.

GREGORY POND
Special Agent
Drug Enforcement Administration